

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN McCASKILL,

Plaintiff,

No. CIV S-04-704 KJM

vs.

COUNTY OF SHASTA, et al.,

Defendants.

ORDER

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This matter is set for jury trial before the undersigned on May 14, 2007 at 10:00 a.m. Contrary to the court's order of April 24, 2007, the parties submitted separate proposed jury instructions, rather than the joint jury instructions required by the order. In addition, the submitted jury instructions do not appear to have been tailored to this case. For instance, defendants have submitted a jury instruction regarding supervisory liability and the only remaining defendants in this case are the individual defendant, Jason Gassaway, who was the K-9 officer in charge of the K-9 dog at issue in this matter, and defendant County of Shasta, which cannot be held liable under a supervisory liability theory. Moreover, defendants' proposed instructions appear to have been simply downloaded with blanks that have not been filled in and references to "his/her," which need to be edited prior to reading of the instructions to the jury. Further, the numbering of plaintiff's proposed instructions is confusing, to say the least, and there

1 is no indication where the disputed instructions are derived from. Plaintiff's instructions also  
2 have not been formatted correctly for reading to the jury (e.g., authority is cited and each jury  
3 instruction has been formatted with a "judge's box," both of which items of text will have to be  
4 eliminated if the jury instructions are given to the jury).

5 The court declines to undertake the parties' trial preparation.

6 Accordingly, IT IS HEREBY ORDERED that no later than noon on May 10, 2007  
7 the parties will submit joint proposed instructions curing the deficiencies noted above. Disputed  
8 instructions shall be submitted in a joint document with an indication as to which party proposes  
9 which disputed instruction.

10 DATED: May 8, 2007.

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14 U.S. MAGISTRATE JUDGE

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